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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,644	05/19/1999	PAUL WESCHLER		5490

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EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 09/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/314,644

Applicant(s)

WESCHLER, PAUL

Examiner

Charles E Anya

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 10 and 19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble in claims 1, 10, and 19 recites a first service as gaining reference to a second service while this is not reflected in the body of the claims. The phrase recites, "gaining reference to said first said first service by said second service" instead. The Examiner will take the second service as gaining reference to a first service.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1 – 5, 7 and 9 - 36 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,360,230 B1 to Chan et. al.

As to claim 1, Chan teaches a Second Service (Client, Application, figure 3B, Client1 406, Client2 407), a First Service (Namespace, figure 3B, DS1 409, DS2 412, DS 415), a Computer System (Computer System 400), a Service Connector Interface (“OleDs provides an interface...”, Col. 6, Ln. 37 – 47, IoleDsContainer Interface), subsequently invoking the service connector interface in conjunction with the second service (The binding function then invokes...”, Col. 7, Ln. 10 – 13, OleDsGetObject Function), and gaining reference to the first service by second service (Binding Function, Col. 6, Ln. 66 – 67, Col. 7, 1 – 13, OleDsGetObject Function).

As to claim 2, Chan teaches a Computer Program Module (“OleDs...”, Col. 6, Ln. 37 – 39).

As to claim 3, Chan teaches instantiating the service connector at the second service (“...an OleDs container object is instantiated...”, Col. 14 – 25).

As to claim 4, Chan teaches retrieving a service instance (“The binding function...”, Col. 7, Ln. 5 – 10), obtaining a service reference (“...returns a pointer...”, Col. 7, Ln. 1 – 3, OleDsGetObject Function, Col. 9, Ln. 22 – 26) and returning the service reference obtained (“...returns a pointer...”, Col. 7, Ln. 1 – 3, OleDsGetObject Function, Col. 9, Ln. 22 – 26).

As to claim 5, Chan teaches the step of specifying a particular version (“...a namespace is not specified...”, Col. 7, Ln. 59 – 64).

As to claim 7, Chan teaches identifying a particular instance (WinNTDS, Col. 9, Ln. 28 – 29).

As to claim 9, Chan teaches the steps of subsequently invoking the service connector interface and gaining reference to the first service that are carried out by an application program (The Binding Function, Col. 7, 1 – 25, OleDsGetObject Function, Col. 9, Ln. 14 – 48).

As to claim 10, see the rejection of claim 1.

As to claim 11, see the rejection of claim 2.

As to claim 12, see the rejection of claim 3.

As to claim 13, see the rejection of claim 4.

As to claim 14, see the rejection of claim 5.

As to claim 15, see the rejection of claim 6.

As to claim 16, see the rejection of claim 7.

As to claim 17, see the rejection of claim 8.

As to claim 18, see the rejection of claim 9.

As to claim 19, see the rejection of claim 1.

As to claim 20, see the rejection of claim 2.

As to claim 21, see the rejection of claim 3.

As to claim 22, see the rejection of claim 4.

As to claim 23, see the rejection of claim 5.

As to claim 24, see the rejection of claim 6.

As to claim 25, see the rejection of claim 7.

As to claim 26, see the rejection of claim 8.

As to claim 27, see the rejection of claim 9.

As to claim 28, see the rejection of claim 1.

As to claim 29, see the rejection of claim 2.

As to claim 30, see the rejection of claim 3.

As to claim 31, see the rejection of claim 4.

As to claim 32, see the rejection of claim 5.

As to claim 33, see the rejection of claim 6.

As to claim 34, see the rejection of claim 7.

As to claim 35, see the rejection of claim 8.

As to claim 35, see the rejection of claim 9.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,360,230 B1 to Chan et. al. in view of Lundin et. al.

As to claim 6, Chan does not teach a latest version.

Lundin teaches a Latest Version (New Software Unit 104, Col. 12, Ln. 13 – 27). It would have been obvious to apply the teaching of Lundin to the system of Chan. One would have been motivated to make such a modification to provide a process at run-time that can be linked by linked procedure call (Col. 12, Ln. 13 – 15).

As to claim 8, Chan does not teach a latest instance.

Lundin teaches a Latest Instance (New Software Unit 104, Col. 12, Ln. 13 – 27). It would have been obvious to apply the teaching of Lundin to the system of Chan. One would have been motivated to make such a modification to provide a process at run-time that can be linked by linked procedure call (Col. 12, Ln. 13 – 15).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M – F (First Friday Off) from 8:30 am to 5:30 pm.

The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Charles E Anya  
Examiner  
Art Unit 2151

A handwritten signature in black ink, appearing to read 'St. John Courtenay III', written in a cursive style.

ST. JOHN COURTENAY III  
PRIMARY EXAMINER